

REMARKS/ARGUMENTS

Claims 1-20 are pending in this case. All pending claims have been rejected. Claims 1, 10 and 12 have been amended. Claims 15 and 18-19 are canceled. New claim 21 is presented for examination.

The drawings have been amended to distinguish the first and second occurrences of "608" in FIG. 6. Figure 4 has been amended to include the missing label for block 401. No new matter has been added to the drawings.

The specification has been amended to bring the drawing figures and specification text into proper conformance. A sentence including reference signs 109, 110, and 111 has been added to the specification, based only on the information available from an inspection of FIG. 2. The existence of the labels 608A and 608B is now noted in the specification. No new matter has been added to the specification.

The specification has been checked for proper trademark usage and has been amended accordingly. The specification has also been amended to correct an informality. No new matter has been inserted into the specification.

Claim 12 has been amended to correct an informality.

Claims 4-8 stand rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. The rejection of claim 4, as amended, is respectfully traversed in that the recitation of "optimized" has been removed from the claim. It is deemed, therefore, that proper antecedent basis now exists and claim 4 is allowable under 35 USC 112, second paragraph. Claims 5-8 are also deemed to be allowable as depending from an allowable base claim.

Claims 1-3, 9-12 and 15-20 stand rejected under 35 USC 102(a) as being anticipated by Michael Floyd, "Building an XML Workbench" published by New Architect Online, May 1999 ("Floyd"). The rejection under 35 USC 102(a) is respectfully traversed in that claim 1 and claim 10 have been amended to incorporate features not taught in Floyd.

Independent claims 1 and 10 have both been amended to more fully claim the client capability. The amended client capability includes information regarding whether the client is a network appliance, a dial-up connected device or a high-speed networked device, an amount of bandwidth available to the client, or a set of physical properties associated with an output device associated with the client, which is not taught in Floyd.

Therefore, claims 1 and 10 are deemed to be allowable under 35 USC 102(a) as containing at least one limitation not taught in the cited reference to Floyd.

Canceled claims 15, 18, and 19, and related specification text provide the support for the amendments to claims 1 and 10, as well as new claim 21. No new matter has been added to the claims.

Remaining claims 2-9, 11-14, 16-17 and 20, as well as new claim 21 are also deemed to be allowable as being dependent from allowable base claim 1 or 10.

Claims 4-8 and 13-14 stand rejected under 35 USC 103(a) as being unpatentable over Floyd in view of US Patent No. 6,605,120 to Fields et al. Claims 4-8 and 13-14 are deemed to be allowable for the reasons given above, viz. that claims 4-8 and 13-14 are dependent upon an allowable base claim.

For the above reasons all pending claims 1-14, 16-17 and 20-21 are deemed to be allowable and the case in condition for allowance.

In view of all of the above, the claims are now believed to be allowable and the case in condition for allowance which action is respectfully requested. Should the Examiner be of the opinion that a telephone conference would expedite the prosecution of this case, the Examiner is requested to contact Applicants' attorney at the telephone number listed below.

Serial No. 09/772,038
Amdt. dated July 16, 2004
Reply to Office Action of April 23, 2004

No fee is believed due for this submittal. However, any fee deficiency associated with this submittal may be charged to Deposit Account No. 50-1123.

Respectfully submitted,

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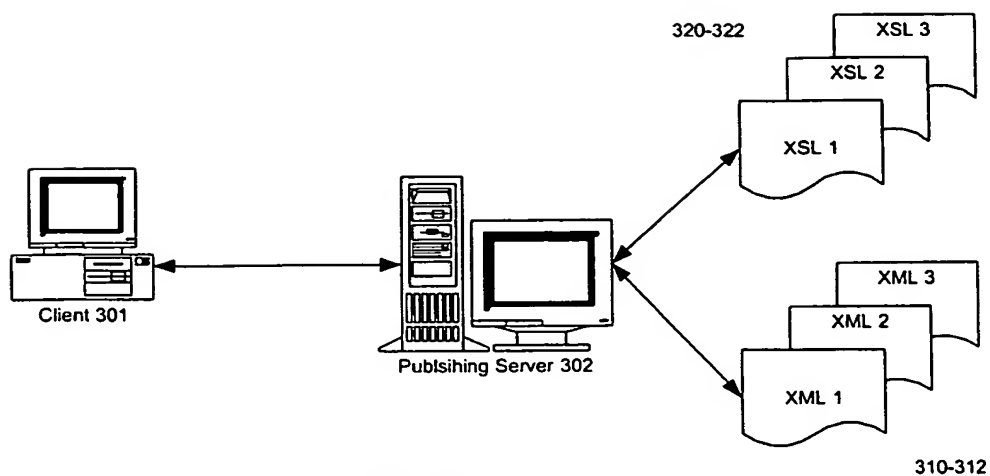


FIG. 3

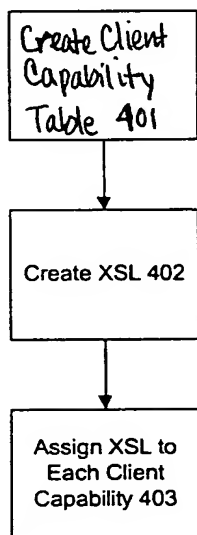


FIG. 4

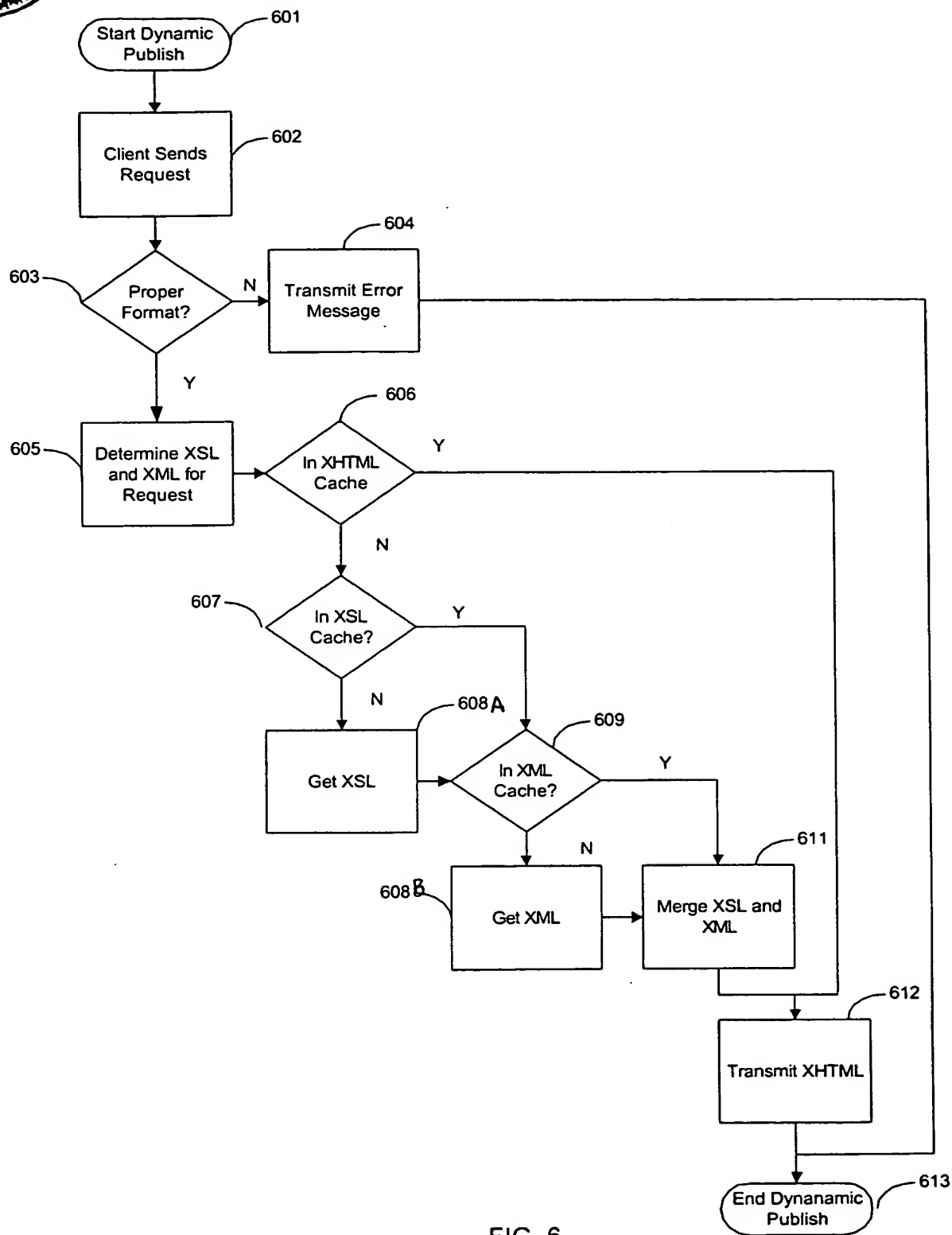


FIG. 6